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REMARKS

Claims 1-27 were currently pending in the patent application. By this amendment, Applicants cancel Claims 10-18. Accordingly, Claims 1-9 and 19-27 remain in the application. The Examiner has newly rejected Claims 1-3, 6-12, 15-21 and 24-27 under 35 USC 103(a) as unpatentable over Kuhn, et al in view of Nightingale and Claims 4-5, 13-14, and 22-23 under 35 USC 103 as being unpatentable over the teachings of Kuhn in view of Nightingale and further in view of Gandhi. For the reasons set forth below, Applicants respectfully assert that all of the pending claims, as amended, are patentable over the cited prior art.

The present invention is directed to a voice processing system which dynamically allocates sets of engines, or task servers, for voice processing applications based on parameter settings of the engines. The parameters may include, as taught by the present Specification at page 7, line 5 and again at page 13, lines 9-21, a grammar type, an accuracy reading, and an acoustic model. A configuration file is maintained for a current configuration of the voice processing engines. The configuration file comprises a record of the configuration of sets of the plurality of engines and includes the parameter settings (see: page 5,

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lines 17-20). When a request is received, the task routing system analyzes the request to ascertain the particular resources from the task servers which are required to process the particular task based on the characteristics of the voice input and based on the configuration file. The task routing system dynamically allocates a set of engines based on the types of engines in the configuration files, using the parameter settings in the configuration file.

The Kuhn patent teaches a voice call system wherein voice call data is received and the grammar type (e.g., numbers or words) is identified by the speech application. Then the information is sent to a resource manager which monitors shared processing resources and identifies a preferred processor based on two considerations, namely the load on the processors and the known processor efficiency for the identified grammar type. Kuhn does not select a set of engines based on the type of engines and parameter settings in configuration data; rather, Kuhn selects a processor based on a sum of the total and usage-numbers (see: Col. 4, lines 60-61) representing the processor's efficiency and load. The Kuhn numbers are found in a table which is accessed by the resource manager.

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The Examiner has acknowledged Applicants arguments that the resource managers of Kuhn are not task servers and are not comprised of a plurality of engines for processing voice input. The resource managers of Kuhn are stand-alone entities which are notified of incoming utterances by the RecClients, consult tables, and tell the RecClients where to send the incoming utterances (Col. 4, lines 54-57). Clearly the resource managers are not "task servers comprising a plurality of engines of a plurality of types for processing voice input" as set forth in Claim 1. The Examiner indicated, however, that the claim language did not "state that the engines are within the server or stored within the server itself." Applicants have amended independent Claims 1 and 19 to more clearly state that feature.

The Examiner again cites the RecClients 104 against the plurality of engines. Applicants respectfully reiterate the argument that the Kuhn RecClients are not "engines of a plurality of types for processing voice input" as is claimed. Rather, the RecClients are routers which receive the incoming utterances and direct them to RecServers based on input from the resource managers. Nothing in Kuhn teaches that the RecClients are of a plurality of types, nor that the RecClients are engines for processing voice inputs.

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Further, while Kuhn has efficiency numbers for how well each RecServer handles certain tasks, it is clear that the Kuhn RecServers are not different engine types for handling different determined characteristics of voice input.

Applicants note that Claim 1 further recites "wherein the task routing system determines characteristics of the voice input and selects a set of the plurality of engines to process incoming voice input based on the determined characteristics of the voice input and on the types of engines in the configuration file." Kuhn does not teach or suggest selecting a set of a plurality of engines to process incoming voice input based on a configuration file with parameter settings for types of engines configured in sets. As detailed above, Kuhn looks at combined load and efficiency numbers for routing tasks for handling.

With regard to the configuration file, the Examiner has concluded that "it would have been obvious that Kuhn have such a configuration file since configuration files are well known". Appellants contend that obviousness cannot be maintained without some teaching or suggestion of the claim features. The Federal Circuit has stated that when patentability turns on the question of obviousness, the obviousness determination "must be based on objective

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evidence of record" and that "this precedent has been reinforced in myriad decisions, and cannot be dispensed with." (In re Lee, 277 F. 3d 1338, 1343 (Fed. Cir. 2002)). Moreover, the Federal Circuit has stated that "conclusory statements" by an examiner fail to adequately address the factual question of motivation, which is material to patentability and cannot be resolved "on subjective belief and unknown authority" (Id. at 1343-1344). There is nothing in Kuhn which would motivate one skilled in the art to include a configuration file comprising a record of the configuration of sets of a plurality of engines and parameter settings, as claimed by the present application.

The Examiner has newly cited the Nightingale patent for teaching a configuration file containing predetermined parameters identifying the type of device for testing compliance with a bus protocol. Applicants respectfully assert that one having skill in the art of voice processing would not be motivated to look at bus protocol testing literature to modify the Kuhn system. Absent some motivation provided by either Kuhn or Nightingale, the combination of features is simply not obvious.

Furthermore, Nightingale teaches that a configuration file is selected for a device to be tested by selecting a

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configuration file template from a set of templates. The Nightingale configuration file is for a single device, whereas the claimed configuration file is a record of a configuration of sets of a plurality of engines and parameter settings. Even if one were to attempt to modify Kuhn with the Nightingale configuration file, one would not arrive at the invention as claimed. The combination would result in a configuration file for each device (e.g., RecServer) with its load and efficiency numbers, but would not result in the invention as claimed.

For a determination of obviousness, the prior art must teach or suggest all of the claim limitations. "All words in a claim must be considered in judging the patentability of that claim against the prior art" (In re Wilson, 424 F. 2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970)). If the cited references fail to teach each and every one of the claim limitations, a *prima facie* case of obviousness has not been established by the Examiner. Since neither Kuhn nor Nightingale teaches the voice processing steps and components including a plurality of task servers having a plurality of engines for processing different types of voice input or a configuration file as claimed, a *prima facie* case of obviousness has not been established by the Examiner.

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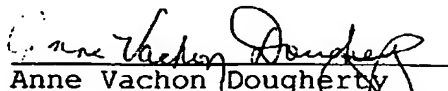
Applicants further assert that the Gandhi patent publication does not provide those teachings which are missing from the combination of teachings from Kuhn and Nightingale. Gandhi is cited for teachings acoustic models and accuracy models. However, Gandhi does not teach or suggest a plurality of task servers, a configuration file/data with parameter settings for each engine type, or a task routing system which selects a set of engines based on configuration data comprising parameter settings which indicate the engine type. Applicants reiterate that for a determination of obviousness, the prior art must teach or suggest all of the claim limitations. Accordingly, Applicants conclude that the finding of obviousness cannot be maintained.

Based on the foregoing amendments and remarks, Applicants respectfully request entry of the amendments, reconsideration and withdrawal of the rejections, and allowance of the claims.

Respectfully submitted,

Ea-Ee Jan

By:


Anne Vachon Dougherty
Registration No. 30,974
Tel. (914) 962-5910

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